

THE UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * * *

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CLIVEN D. BUNDY,
RYAN C. BUNDY,
AMMON E. BUNDY, and
RYAN W. PAYNE,

Defendants.

2:16-cr-46-GMN-PAL-1-4

DATE: November 8, 2017

Courtroom 7C

THE HONORABLE GLORIA M. NAVARRO, CHIEF UNITED STATES DISTRICT JUDGE

DEPUTY CLERK: Aaron Blazeovich

COURT REPORTER: Patty Ganci

COUNSEL FOR PLAINTIFF: Steven Myhre and Nadia Ahmed with FBI Agents Joel Willis and Sharon Gavin '

COUNSEL FOR DEFENDANT: Bret Whipple with Legal Assistant Tatum Wehr, Maysoun Fletcher (Stand-by Counsel for Ryan Bundy), Daniel Hill, Jay Morgan Philpot, Brenda Weksler, and Ryan Norwood

MINUTES OF PROCEEDINGS: Hearing on Motion to Dismiss for Discovery Misconduct (#2828)

1:33 p.m. The Court convenes. The Court admonishes the parties regarding courtroom demeanor. Mr. Myhre makes arguments in opposition to the Motion to Dismiss for Discovery Misconduct (ECF No. 2828). Ms. Weksler and Mr. Norwood respond on behalf of Mr. Ryan Payne. Mr. Whipple responds on behalf of Mr. Cliven Bundy. **EXHIBIT CB1 is marked but not admitted into evidence.** Mr. Ryan Bundy responds on behalf of himself. Mr. Philpot responds on behalf of Mr. Ammon Bundy. The Court states that defendants in criminal cases are entitled to limited discovery pursuant to Federal Rules of Criminal Procedure 12.1 and 16.2. For the reasons stated on the record, the Motion to Dismiss for Discovery Misconduct (ECF No. 2828) is DENIED. The Motions for Joinder filed by Jason Woods (ECF No. 2833), Melvin Bundy (ECF No. 2834), Joseph O'Shaughnessy (ECF No. 2835), David Bundy (ECF No. 2837) and Ryan Payne (ECF No. 2840) are GRANTED.

3:22 p.m. The Court stands at recess for an afternoon break.

3:52 p.m. The Court reconvenes. **ARTHUR SCOTT SESSIONS**, called on behalf of Mr. Cliven Bundy, is sworn and testifies on direct examination by Mr. Whipple. Mr. Ryan Bundy conducts direct examination on behalf of himself. Mr. Myhre conducts cross examination on behalf of the Government. Mr. Whipple conducts redirect examination on behalf of Mr. Cliven Bundy. Mr. Ryan Bundy conducts redirect examination on behalf of himself. The witness is excused.

4:16 p.m. The Court makes findings as stated on the record. The Court orders the Government to produce any of the following which may be in possession and control of the Government: the number of cameras directed toward the Bundy home, if any, with the location and dates of these cameras. The Government must also produce any recordings, within the Government's control, made by these cameras, including video recordings, notes or reports. The Government shall also provide any LPOP or FBI Surveillance Reports of the Bundy residence from March 1, 2014 through April 12, 2014. The Government may make redactions which may be required to remove unrelated information. The produced material may also be covered under a protective order. The Court further finds in camera review may be acceptable, should the Government request it. The deadline for the Government to produce this information is Saturday, November 11, 2017, by 12:00 p.m. If no material exists, the Government shall provide names of possible witnesses for the defense to call at trial. The Court reminds the Government that there is a continuing duty to disclose this information. Mr. Ryan Bundy requests relief in an oral motion. The Court informs Mr. Ryan Bundy to file the request in written format.

4:40 p.m. The Court stands at recess.

DEBRA K. KEMPI, CLERK
U.S. DISTRICT COURT

BY: _____/S/_____
Aaron Blazeovich, Deputy Clerk